

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| STATE OF OHIO, | : | CASE NO. 4:23-cv-00517-JRA |
| | : | |
| UNITED STATES OF AMERICA, | : | JUDGE JOHN R. ADAMS |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| NORFOLK SOUTHERN CORPORATION, et al., | : | |
| | : | |
| Defendants. | : | |

STATE OF OHIO’S STATUS REPORT

On April 15, 2024, the Court issued an Order directing the parties to file Status Reports every thirty days, addressing: (1) discovery that has occurred during the reporting period; (2) settlement discussions that have occurred during the reporting period; (3) motions that have been filed or remained pending during the reporting period; and (4) any developments that might give rise to a request to deviate from the schedule outlined in the case management plan.

Since the filing of the last status report on July 15, 2024 and the Status Conference held on August 12, 2024, the State’s responses are respectfully submitted below.

1. Discovery

Ohio served its First Set of Requests for Admissions, Interrogatories, and Request for Documents on Defendants on April 17, 2024. Ohio and Defendants have conferred and agreed to a rolling production. Ohio received document productions on June 14, 2024 and July 3, 2024. Ohio expects to receive additional document productions on September 13, 2024 and on a

biweekly basis thereafter until production is complete.

Norfolk Southern served its First Set of Interrogatories and Requests for Production of Documents on Ohio on August 2, 2024. Ohio and Defendants have conferred and agreed to a rolling production and that Ohio will submit written responses to Discovery on or before September 30, 2024. Ohio expects to make an initial document production on September 16, 2024 and a supplemental document production on or about September 30, 2024.

2. Settlement Discussions

Ohio made a settlement demand on July 12, 2024. Ohio and Defendants had additional discussions on July 26, 2024 and August 2, 2024. To date, Defendants have not made a counter offer.

3. Motions Filed or Pending

No motions have been filed or remain pending during the most recent reporting period.

4. Potential Deviations from Case Management Schedule

Ohio is not aware of any developments that might give rise to a request to deviate from the Case Management Schedule.

Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL

s/ Amber Wootton Hertlein

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Certificate of Service

This certifies that on September 12, 2024, I served State of Ohio's Status Report by filing through the Court's CM/ECF system, which electronically notified all parties of record.

s/ Amber Wootton Hertlein

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